

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Numbering Resource Optimization

CC Docket No. 99-200

BELLSOUTH TELECOMMUNICATIONS, INC.
EMERGENCY PETITION FOR WAIVER AND EXTENSION OF TIME

BellSouth Telecommunications, Inc. ("BellSouth"),¹ by counsel and pursuant to Sections 1.3² and 1.46³ of the Commission's rules, respectfully requests a waiver or extension of the February 1, 2003 deadline for submitting a forecast and utilization report (Number Resource Utilization/Forecast "NRUF" Report) as mandated by Section 52.15(f)(6)(i) of the Commission's rules.⁴ As demonstrated more fully herein, BellSouth will not be able to comply with the Commission's reporting requirements by the February 1 deadline because of several unexpected events, including problems associated with the recent conversion of one of BellSouth's telephone number administration systems and reduced resources due to a company-wide downsizing. Accordingly, BellSouth respectfully requests that the Commission grant a waiver of the reporting

¹ This petition is filed on behalf of BellSouth Telecommunications, Inc., an affiliated company of BellSouth Corporation, that provides wireline local telephone service.

² 47 C.F.R. § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown.).

³ 47 C.F.R § 1.46.

⁴ 47 C.F.R. § 52.15(f)(6)(i).

deadline and allow it to submit its NRUF report as soon as possible, and in any event, no later than February 28, 2003.

I. A WAIVER IS WARRANTED.

BellSouth satisfies the “good cause” standard for grant of a waiver.⁵ Courts have held that “a waiver is appropriate only if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”⁶ The Commission “may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest.”⁷

A waiver is justified under the standard articulated above. First, unique circumstances exist that would make strict application of the reporting deadline inconsistent with the public interest. BellSouth has had to upgrade and/or modify its systems to accommodate the kind of data collection and reporting contemplated by the Commission in the *Numbering Resource Optimization Order*.⁸ Since the adoption of the Commission’s new rules in 2000, BellSouth has been systematically modifying its legacy systems in order to report numbers as required by the Commission. In fourth quarter 2002, BellSouth commenced the final phase of converting its

⁵ See 47 C.F.R. §1.3; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“The FCC has authority to waive its rules if there is ‘good cause’ to do so.”).

⁶ *Northeast Cellular Telephone Co.*, 897 F.2d at 1166; *see also WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

⁷ *Northeast Cellular Telephone Co.*, 897 F.2d at 1166 (citing *WAIT Radio*, 418 F.2d at 1159).

⁸ *Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000).

wire centers from SWITCH⁹ to a new telephone number administration system, Customer Number Manager (“CNUM”)¹⁰ (which includes the companion Telephone Number Tracker System (“TN Tracker”)).¹¹ The conversion to CNUM resulted in extensive errors in the data housed in our ordering systems thereby creating inaccurate customer service orders. The only way to resolve these errors is through manual processes, and BellSouth has worked diligently to accomplish this task, including mandating overtime for affected employees. The accuracy of service orders is necessary to ensure the continuation of service for existing customers and the commencement of service to new customers. To ensure service continuity, BellSouth temporarily shifted resources away from other functions, including NRUF preparation, in order to correct the erroneous service orders. BellSouth fully believed that it would meet the February 1 deadline despite the temporary shift in personnel. However, the large volume of data to be corrected combined with the unexpected loss of a key subject matter expert who accepted a severance package as a result of a company-wide downsizing initiative have made the reporting deadline impossible to meet.

⁹ SWITCH is an operations support system that inventories telephone numbers.

¹⁰ CNUM (Customer Number Manager) is an operations support system that inventories, selects, and administers telephone numbers. BellSouth began converting to CNUM for number administration functions in late June 2002.

¹¹ TN Tracker uses data generated from CNUM to create reports, utilization, and forecasts for telephone numbers.

II. AN EXTENSION OF THE FILING DEADLINE WILL SERVE THE PUBLIC INTEREST.

BellSouth's request for an extension of the February 1 reporting deadline will serve the public interest. An extension is warranted because it will allow BellSouth time to submit complete and accurate data. In addition, this brief delay in filing will not adversely affect any third party. In granting similar waiver requests, the Commission has previously concluded that "accurate data is necessary for properly monitoring the use and allocation of numbering resources, to assist state commissions with area code relief proceedings, and to assist the North American Numbering Plan Administrator (NANPA) in projecting numbering resource exhaust and carrying out its other duties."¹² Clearly, the public interest would be better served by allowing BellSouth additional time to submit a complete and accurate NRUF report.

III. CONCLUSION

BellSouth is firmly committed to the goal of efficient number usage and has been working diligently to implement the Commission's new rules. Nonetheless, as demonstrated above, due to unforeseen circumstances, BellSouth cannot meet the February 1, 2003 reporting deadline. An extension will not harm any interested party and, in fact, will serve the public interest by allowing BellSouth time to provide a complete and accurate NRUF report. Accordingly, BellSouth respectfully requests that the Commission grant a waiver of the reporting

¹² See, e.g., *Petition of XO Communications, Inc. for Temporary Waiver of Deadline in 47 C.F.R. §52.12(f)(6), et al.*, NSD File No. L-01-32, *et al.*, *Order*, 16 FCC Rcd 4680, 4681, ¶ 4 (2001) (waivers granted where unanticipated software problems and system modifications delayed compilation of numbering data).

deadline. BellSouth will file its NRUF report as soon as possible, and in any event, no later than February 28, 2003.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

Its Attorney

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Date: January 30, 2003

CERTIFICATE OF SERVICE

I do hereby certify that I have this 30th day of January 2003 served the following parties to this action with a copy of the foregoing **BELLSOUTH TELECOMMUNICATIONS, INC.'S EMERGENCY PETITION FOR WAIVER AND EXTENSION OF TIME** by electronic filing, electronic mail and/or by placing a copy of the same in the United States mail, addressed to the parties below.

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+ **VIA ELECTRONIC FILING**
** **VIA ELECTRONIC MAIL**